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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/820,416	03/19/97	WILHELM	19

ALFRED M WALKER
225 OLD COUNTRY ROAD
MELVILLE NY 11747

2101/1124

EXAMINER

KAPLAN, J

ART UNIT

PAPER NUMBER

2107

DATE MAILED:


11/28/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No. 08/820,496	Applicant(s) Wilhelm	
Examiner Jonathan Kaplan	Group Art Unit 2107	

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-21 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-21 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

- ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2107

DETAILED ACTION

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

In the section claiming priority, the wrong serial number is listed. Serial number “08/129,375” should be replaced by “08/129,575”. The same problem also appears on the first page of the specification. Also, the current status of all parent applications referenced should be included in the first page of the specification.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the heater and microwave of claims 17, 18, 20, and 21 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 112

3. Claims 17, 18, 20, and 21 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled

Art Unit: 2107

in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification does not give any explanation on the details of the load being either a heater or a microwave oven.

4. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 is vague and indefinite because it is unclear what "its" is referring to.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

6. Claims 1, 6, 9, 12, 13, 16, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Edwards et al. (5,646,486).

Edwards et al. discloses in figure 7, a high efficiency lighting system for maintaining normal lighting condition by lighting fixtures requiring DC electrical power comprising: power control means (5a and 6a), a grid source (AC power source, 1a), lighting fixtures (4a), said power

Art Unit: 2107

control means converting said AC electrical power to DC electrical power (rectifier, 10a), battery means (3a) , said batter means being connected to said power control means for being maintained in a fully charged condition (12a) by said power control means during normal supply of AC electrical power from said grid source; and said power control means delivering said required DC electrical power from said battery means to said lighting fixture during an AC electrical power outage to maintain without interruption normal lighting by said lighting fixtures see column 1, lines 50-65.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-5, 8, 10, 15, 17, 18, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards et al. in view of Okamoto et al. (5,493,155).

Edwards et al. discloses in figure 7, a high efficiency lighting system for maintaining normal lighting condition by lighting fixtures requiring DC electrical power comprising: power control means (5a and 6a), a grid source (AC power source, 1a), lighting fixtures (4a), said power control means converting said AC electrical power to DC electrical power (rectifier, 10a), battery means (3a) , said batter means being connected to said power control means for being maintained

Art Unit: 2107

in a fully charged condition (12a) by said power control means during normal supply of AC electrical power from said grid source; and said power control means delivering said required DC electrical power from said battery means to said lighting fixture during an AC electrical power outage to maintain without interruption normal lighting by said lighting fixtures see column 1, lines 50-65.

Edwards et al. does not disclose the lighting system including a photovoltaic source of DC electrical power connected to said power control means for reducing the amount of electrical power taken from said grid source. However, Okamoto et al. discloses a grid source (Commercial Power Source, 4), controller (20c), and photovoltaic source (1) for supplying additional power to the load (7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Okamoto et al. into Edwards et al.'s device for the purpose of providing supplemental DC power, so that the load has sufficient power to operate.

As to claims 17, 18, 20, and 21, which add the limitations of the load being either a heater or a microwave oven. Okamoto et al. teaches in column 3, lines 61-64, that other types of household loads may be used in conjunction with back up or supplemental power supplies. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Okamoto et al. into Edwards device as the type of load being used is clearly a design choice depending on the environment in which the supplemental or back up power supply system is to be used in.

Art Unit: 2107

9. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards et al. in view of Peterson. (4,349,863).

Claim 2 adds the limitation of a plurality of control units. Peterson discloses an emergency lighting system with a plurality of control units (16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Peterson into Edwards device for the purpose of controlling a plurality loads in different rooms or branch circuits.

Claim 7 adds the limitation of allowing either AC or DC power to operate said lighting fixtures. Peterson discloses an Emergency Lighting System wherein the lights can operate with either AC or DC power. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Peterson into Edwards et al.'s device for the purpose of providing a system which will work with either AC or DC power.

10. Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards et al. in view of Alenduff et al. (4,731,5467).

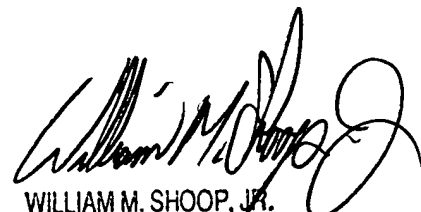
Claim 11 and 14 add the limitation of a cogeneration source of electrical power. Alenduff et al. discloses main power supply (utility network) for supplying power to a load (operation unit) and an additional power supply unit (24) for supplying additional power to the load. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Alenduff et al. into Edwards et al. device for the purpose of providing additional power to operate the load properly.

Art Unit: 2107

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan S. Kaplan whose telephone number is (703) 308-1216.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1782.


JSK
November 23, 1997


WILLIAM M. SHOOP, JR.
SUPERVISORY PATENT EXAMINER
ART UNIT 217